

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4074 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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NARANBHAI KALABHAI

Versus

STATE OF GUJARAT  
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Appearance:

MR PH PATHAK for Petitioners  
M/S PATEL ADVOCATES for Respondent No. 1  
NOTICE SERVED for Respondent No. 2  
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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 18/02/2000

ORAL JUDGEMENT

When the matter was listed on 11.2.2000, Mr Pathak for the petitioners was present. Mr Hasmukh Patel for the respondents was not present. Hence, to give last opportunity, the matter has been listed today. Today also Mr Hasmukh Patel is not present. In the

circumstances, the Court has no other alternative but to proceed with the final hearing of the matter since it is pending since 1988.

2. Mr Pathak for the petitioners states that during pendency of the petition, the State Government issued Government Resolution dated 17.10.1988 conferring certain benefits on daily wager employees of the R&B Department of the State Government. Mr Mukesh Patel, learned AGP who happens to be present in the Court states that thereafter the Government has issued subsequent resolutions withdrawing or modifying the said benefits.

3. In view of the fact that petitioner No. 1 is in continuous employment since 1986 and petitioner Nos. 2 and 3 are in continuous employment since 1987, it would be just and proper to direct the respondent authorities to consider the case of petitioner Nos. 1 and 2 in light of the various Government Resolutions issued from time to time and to confer on the petitioners such benefits as are legitimately available to them under the said resolutions. Mr Pathak for the petitioners states that on 1.10.1998 a settlement under Section 2(P) of the Industrial Disputes Act, 1947 was arrived at. If petitioner Nos. 1 and 2 are governed by the said settlement, the respondent authorities shall consider the said settlement also while considering the question as to what benefits are required to be given to the petitioners.

This entire exercise shall be undertaken within a period of four months from the date of receipt of writ of this Court or a certified copy of this judgment, whichever is earlier. In case any order adverse to the petitioners including termination of their services is to be passed by the respondents, such order/s shall not be implemented for a period of one month from the date of communication of the order/s to the petitioners.

4. The petition is disposed of in terms of the aforesaid directions. Rule is made absolute to the aforesaid extent.

February 18, 2000 (M.S. Shah, J.)  
sundar/-